

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Ekoko K. Avoki, Francisco K. Avoki,

Plaintiffs,

v.

City of Chester, SC, Police of Chester, SC,
PTL Covington, Doe I-XXX,

Defendants.

C/A No.: 0:17-cv-1141-SAL-PJG

ORDER

This matter is before the court for review of the November 3, 2022 Report and Recommendation of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 476.] In the Report and Recommendation, the Magistrate Judge recommends granting Defendants' motion for summary judgment, ECF No. 304, and denying Plaintiffs' motion for summary judgment, ECF No. 327. *Id.* at 15. Attached to the Report was a notice advising the parties of the procedures and requirements for filing objections to the Report. *Id.* at 16. Plaintiffs timely filed a motion for an extension of time to file objections on November 28, 2022. [ECF No. 484.] The court granted them an extension of fifteen days, setting a new deadline of December 28, 2022. [ECF No. 486.] Neither party filed objections, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 476, and incorporates the Report by reference herein. Accordingly, Defendant’s motion for summary judgment, ECF No. 304, is **GRANTED**. Further, Plaintiffs’ motion for summary judgment, ECF No. 327, is **DENIED**. Consequently, Plaintiffs have no remaining claims, thus the court directs the clerk of court to enter judgment accordingly.

IT IS SO ORDERED.

January 5, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge